

Message Text

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ACTION EB-08

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SUBJECT: STUDY OF EXPORT CONTROLS ON PRODUCTS AND TECHNOLOGY

REF: STATE 39145

1. ACCORDING TO SWEDISH GOVERNMENT SOURCES, THERE IS NO LIST OF STRATEGIC GOODS, WITH THE EXCEPTION OF GOODS SPECIFICALLY DEFINED AS WAR MATERIEL (SEE BELOW), WITH RESPECT TO WHICH THE GOVERNMENT EXERCISES EXPORT CONTROL. UNTIL ABOUT TEN YEARS AGO, CONTROLS WERE EXERCISED OVER A WIDE RANGE OF EXPORTS TO EAST BLOC COUNTRIES, BUT AS THE SWEDISH GOVERNMENT FELT THAT SUCH CONTROLS COULD BE REGARDED AS DISCRIMINATORY AGAINST CERTAIN NATIONS, THEY WERE REMOVED. PRESENT POLICY, IN LINE WITH SWEDEN'S OVERALL NON-ALIGNMENT POLICY, ATTEMPTS RELATIVELY EVEN-HANDED TREATMENT OF ALL NATIONAL MARKETS.

2. WHAT IS SAID ABOVE APPLIES TO COMMODITY EXPORTS. INFORMATION ON THE SWEDISH GOVERNMENT'S ATTITUDE AND POLICY TOWARD EXPORTS OF TECHNOLOGY TO EAST BLOC COUNTRIES IS NOT READILY OBTAINABLE. SUCH ISSUES ARE UNDOUBTEDLY THE
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SUBJECT OF INTERNAL DISCUSSIONS WITHIN THE MINISTRIES AFFECTED. HOWEVER, IN TALKS WITH COMMODITY LICENSING OFFICIALS, AN EMBASSY REPRESENTATIVE GOT THE IMPRESSION THAT EVEN WITH RESPECT TO EXPORTS OF TECHNOLOGY, THE SWEDISH GOVERNMENT TAKES A NEUTRAL STAND.

3. PRESENT FORMAL CONTROLS OVER SWEDISH EXPORTS IN THE

NON-AGRICULTURAL FIELD (I.E., EXPORTS SUBJECT TO LICENSE) ARE LIMITED TO ONLY A FEW ITEMS, NAMELY, ASH AND RESIDUES CONTAINING CERTAIN METALS OR METALLIC COMPOUNDS, GOLD-SMITHS' SWEEPINGS AND RESIDUES OF PRECIOUS METAL, SCRAP OF FERROUS AND MOST NON-FERROUS METALS, AND SHIPS (EXCEPT PLEASURE BOATS), INCLUDING SHIPS FOR BREAKING UP. THESE CONTROLS ARE MAINTAINED PRIMARILY TO ENSURE DOMESTIC SUPPLY. THEY APPLY TO ALL COMPANIES INCLUDING US SUBSIDIARIES.

4. SPECIAL LEGISLATION IS APPLICABLE TO EXPORTS OF OLD CULTURAL OBJECTS, NARCOTICS, WAR MATERIEL, CERTAIN KINDS OF PHOTOGRAPHS AND MAPS, URANIUM, UNWORKED GOLD, CURRENCY, SECURITIES, DEBT CERTIFICATES, CERTAIN KINDS OF SEED, AND CERTAIN SPECIES OF FISH AND SHELLFISH.

5. THE EXPORT LICENSING AUTHORITIES FOR NON-AGRICULTURAL EXPORTS ARE (A) THE SWEDISH BOARD OF TRADE, A GOVERNMENT AGENCY DIRECTLY RESPONSIBLE TO THE MINISTRY OF COMMERCE, AND (B) OFFICE OF THE WAR MATERIEL INSPECTOR, A SECTION WITHIN THE MINISTRY OF COMMERCE. THE OFFICE OF THE WAR MATERIEL INSPECTOR, UNDER DIRECTIONS OF THE MINISTER OF COMMERCE, IS RESPONSIBLE FOR LICENSING THE EXPORTATION OF A WIDE RANGE OF WEAPONS AND OTHER WAR MATERIEL. THESE ARE SPECIFIED IN AN APPENDIX TO GOVERNMENT DECREE NO. 202 OF 1972 (AN UPDATED VERSION OF DECREE NO. 614 LIMITED OFFICIAL USE

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OF 1949), AND IN DECREE NO. 127 OF 1974. IN CASES WHERE EXPORTATION INVOLVES DELIVERIES ON A SUBSTANTIAL SCALE OF WHERE SIGNIFICANT FACTORS MUST BE TAKEN INTO ACCOUNT (SUCH AS POLITICAL INSTABILITY IN THE RECEIPIENT COUNTRY), THE CASE IS REFERRED BY THE MINISTER OF COMMERCE TO THE SWEDISH GOVERNMENT (THAT IS, THE CABINET) FOR FINAL DECISION.

6. CURRENTLY, THERE EXISTS SOME UNCERTAINTY IN GOS CIRCLES IN BALANCING THE NEED TO MAINTAIN OR INCREASE EXPORTS AND STILL OBSERVE THE GUIDELINES ON MILITARY EXPORTS SET OUT IN THE DECREES CITED ABOVE. THUS FAR, HOWEVER, THIS DELEMMA HAS NOT BEEN IMPORTANT.

7. THE MANUFACTURE IN SWEDEN OF WEAPONS AND OTHER WAR MATERIEL IS SUBJECT TO GOVERNMENT CONTROL EXERCISED BY THE WAR MATERIEL INSPECTOR. MANUFACTURERS ARE REQUIRED BY LAW TO GIVE THE INSPECTOR COMPLETE ACCESS TO THEIR BOOKS AND RECORDS AND TO ALLOW HIM TO MOVE ABOUT FREELY IN THEIR PLANTS OR OTHER SITE WHERE THE MANUFACTURE OF WAR MATERIEL TAKES PLACE. FURTHERMORE, THE SWEDISH GOVERNMENT MAY LAY DOWN CERTAIN RULES GOVERNING THE

SALE, OFFERING OR SUPPLY OF WAR MATERIEL, AND ITS WAR MATERIEL INSPECTOR MAY REQUEST COMPLETE DETAILS REGARDING ORDERS BOOKED, ITEMS MADE, MANUFACTURING PROCESSES AND TECHNOLOGY USED, AND ARRANGEMENTS MADE WITH COMPANIES IN SWEDEN OR ABROAD. GOS CONTROLS TERMINATE AT THE POINT OF FOREIGN MANUFACTURE WHERE SUCH PRODUCTION HAS BEEN LICENSED. NO EFFORTS MADE TO CONTROL WHAT THE LICENSEE MAY DO WITH THE PRODUCT OR THE TECHNOLOGY.

8. THE SWEDISH CUSTOMS IS RESPONSIBLE FOR CONTROLLING EXPORT SHIPMENTS AND FOR CHECKING THE VALIDITY OF EXPORT LICENSES. EXPORT SHIPMENTS MAY NOT BE CLEARED BEFORE A VALID PERMIT IS PRODUCED. VIOLATIONS OF THESE REGULATIONS ARE PROSECUTED UNDER THE COMMODITY SMUGGLING LIMITED OFFICIAL USE

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ACT OF 1960 (NO. 418). VIOLATIONS ARE FIRST INVESTIGATED AND REVIEWED BY THE CUSTOMS CRIMINAL INVESTIGATION DEPARTMENT, FOLLOWING WHICH THE CASE IS TURNED OVER TO THE PUBLIC PROSECUTOR IN THE DISTRICT WHERE THE VIOLATION WAS COMMITTED. ALL CASES ARE TRIED IN A CIVIL COURT OF LAW.
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